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LAW FIRM RECRUITING

Affinity Groups

Best practices, benefits and challenges.

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Very simply, an affinity group is an organization of people with an affinity for each other, based on a shared interest or shared additional group membership. Members socialize and network, as well as work together on projects for the benefit of the individual members, the group, and perhaps their sponsoring organization.

Typically, law firm affinity group membership is based on the shared racial or ethnic origin, sexual orientation or gender of the participants. Bonding around a shared identity, affinity group members serve as a critical support system for one another in an environment where they are usually in the minority and may too often feel an outsider status. They are thus differentiated from clubs or similar employee groups formed for language lunches, firm sports leagues or other social activities.

Affinity groups help organizations identify and engage individuals in the fabric of the institution as active participants in shaping the culture, often producing positive, tangible results. Law firm affinity groups are also an important and efficient resource for ideas to successfully recruit diverse attorneys.

For recruited candidates of color and candidates who are gay or lesbian, finding a sense of community among similar associates at the firm is often an important deciding factor in a world of firms that appear much more alike than different. The historic existence of vibrant, effective affinity groups at a law firm, well prior to the summer associate experience and early

fall recruiting season, is key to successfully closing the deal and getting summer associates to accept permanent offers.

Best Practices From Corporations

Within the last decade, law firms have been forcefully prompted by corporate client demands to systematically tackle diversity concerns.

In 1999, the chief legal officers of close to 500 major corporations signed a statement of principle committing to diversity in the legal profession and issuing a mandate to law firms to make immediate and sustained improvement in diversity efforts. In 2005, a second "Call to Action" followed, in which signatory corporations pledged to make decisions regarding which law firms represent their companies based in significant part on their diversity performance. How can law firms best respond to the corporate call for stronger diversity initiatives?

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As discussed above, affinity groups in law firms are a key recruiting tool. However, consistent with many firms' shift in focus from just increasing incoming diverse associate



numbers to comprehensive inclusion initiatives, affinity groups must move beyond recruiting and do much more to address the challenge of retention.

The data regarding law firm weaknesses surrounding retention of women and minorities is pervasive. The most powerful evidence of late: the 2004 ABA Commission on Women in the Profession study "Visible Invisibility: Women of Color in Law Firms."

Noting that by 2005, 81 percent of minority female associates had left their law firms within five years of being hired, the study explicitly documented the ways in which women of color experience career disadvantages based on race in addition to gender. The study made the core recommendation that firms must integrate women of color into existing diversity and professional development efforts.

One specific recommendation was to

support women of color's efforts to build internal support systems through affinity groups. As noted in the study, "[g]iven the lack of a critical mass of women of color in law firms...affinity groups are an excellent way for women of color to get together, share best practices, seek advice from each other on issues, and support each other's successes."

In addressing the excellent recommendation to use affinity groups much more broadly to promote employees' career development and retention, firms have much to learn from corporations, which have focused on developing diversity initiatives for the past 40 years, in contrast to law firms' more recent comprehensive efforts. Affinity groups for employees in corporations across industries were historically often called networks, emphasizing their purpose in bringing similar employees together socially in order to improve morale and encourage retention.

Companies typically sponsor the networks in some manner, assign an executive liaison, and use such affinity groups to encourage ongoing involvement of employees in diversity and inclusion efforts. "Diversity Practices That Work: The American Worker Speaks," a 2004 National Urban League study of American workers' perceptions of the effectiveness of diversity practices, notes that 52 percent of workers at corporations identified as having the most effective diversity practices felt employee involvement in diversity efforts was critical.

According to the National Urban League study, in addition to supporting the company's recruiting efforts, corporate groups' broad activities frequently include serving as a voice to upper management on key issues and concerns; training and education; mentoring; networking; sponsoring culturally relevant programs; providing feedback on company policies and procedures; and serving as "consumer panels" for new marketing efforts. Companies use affinity groups as a powerful mechanism to solicit member contributions that significantly benefit the entire organization.

Diversity committees and administrators with chief oversight for firm diversity initiatives must stay abreast of best practices among both corporations and firms, work collaboratively with external legal organizations and other internal firm departments for new ideas, and think creatively to find effective methods to support retention of diverse associates. Listening to recommendations generated at diversity conferences can result in effective, concrete programs.

One such example recently employed at Fried Frank arose from excellent recommendations presented at a 2007 Minority Corporate Counsel

Association annual diversity conference program, "Maximizing Minority Lawyers in Majority-Owned Firms: Garnering Visibility for Your Firm's Diverse Attorneys." Working together with the firm marketing and communications and business development teams, the diversity and inclusion department launched targeted career development programming on byline article writing and foundational and advanced networking and business development skills for our attorney of color, LGBT and women's affinity groups.

Affinity group members were highly interested in the program content, and the programs are in development to be provided to all associates. Lesson learned: Traditional corporate uses of affinity groups in a broad manner can leverage existing internal synergies among law firm departments and potentially benefit the entire organization.

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Overcoming Challenges

When run effectively, either internally by its members or by law firm management representatives, and given proper firm resources and support, affinity groups are a useful win-win for both members and their firms.

However, any partner, diversity officer or director, or other law firm administrator charged with assisting affinity groups quickly learns that successful affinity group execution is not always simple. Common challenges include the appropriate extent of firm management in affinity group oversight, designing programs responsive to group members with very diverse viewpoints, and keeping affinity groups relevant for a new population of lawyers with evolving views on diversity initiatives.

However, all three of these challenges can be overcome and are vastly outweighed by the benefits of establishing law firm affinity groups.

Employer Support and Constructive Direction

The extent and shape of a law firm's role in an affinity group can positively or negatively impact that group's success in meeting its established goals, be they internal, established by the membership, or mutual goals shared by the firm.

Law firm affinity groups are typically created at the impetus of the individual: one or more associates or partners with the thought that it would be a good idea to gather a certain group for ongoing discussions, combined with the motivation to help organize that group. Institutional support, in the form of financial and administrative resources to hold meetings over meals, typically follows. (Ideally, the affinity group experience should start early in one's career.)

Affinity groups should be very much an institutionalized aspect of a firm's infrastructure. If firms treat such groups with grudging approval, for example, by granting "permission" to meet at the firm but providing no financial resources, partners' worst fears that affinity groups will simply become outlets for associate whining about problems, or promote discontent, will become self-fulfilling prophecy.

It is also less than ideal for an informal affinity group to originate in response to a crisis around a firm decision perceived as insensitive to diverse associates. Leadership commitment to, and involvement in, affinity groups is an important means for firms to demonstrate that diversity is a priority and core value of the organization.

In addition to questioning whether to support a mechanism to challenge firm practices, law firms may feel some tension about how much impact they should have on affinity groups in communicating necessary firm goals and expectations for the group.

The most organic form of management involvement is having a partner of a shared identity who is thereby an attorney member of the affinity group. However, that partner must be sophisticated regarding the frequency and manner of his or her participation; oftentimes, nothing makes a room of associates quieter than the presence of a partner, and associates need to be able to use affinity groups to speak freely about their experiences and concerns in order to hear coping strategies and receive support.

Some firms have assigned paths for management input in affinity groups, including senior-level partner liaisons who also serve on a firm's executive committee or other important committees. However, even those liaisons are charged with supporting, but not leading, the groups. Firm management representatives

should aim to participate in meaningful discussions with affinity groups and support their efforts without dictating their agenda.

They Are Not Monolithic

Another quickly apparent challenge facing law firm affinity groups arises from the diversity of perspectives among their members.

While groups are formed on the basis of members' shared personal and cultural identities and backgrounds, no such group is monolithic in its views. Some members, despite choosing to participate at some level, often feel a tension about participating in a group that ostensibly focuses on their "difference," and the obstacles they might face as a result, feeling it is somewhat disempowering. A number of minority and women associates have no interest in participating in affinity groups for that and related reasons, a choice which should absolutely be respected by their peers.

Attorney members of affinity groups based on race, sexual orientation and gender often have vastly diverse viewpoints regarding social and cultural issues surrounding identity, as well as which methods can best address related challenges in the workplace and society. Therefore, it can be difficult to generate consistent recommendations to address group members' concerns, and plan events to benefit group members and educate the larger law firm community regarding diversity issues.

Attempts to organize group events often immediately highlight members' differences. Sometimes the conflicts are as seemingly trivial as whether events should be held at restaurants owned and operated by those of the same race as the affinity group members, or whether ethnic foods traditionally enjoyed by communities of members' shared backgrounds should be ordered for group meetings. Quite a few summer associates and attorneys of color in New York have found themselves at firm-sponsored social events in Harlem, to the great enjoyment of some and annoyance of others.

The danger of affinity groups reinforcing stereotypes in their well-intentioned efforts to provide networking events and substantive programs regarding issues of concern to their members looms particularly large in inherently bigger, gender-based women's affinity groups. Many firms have tried a "high tea" concept for internal gatherings for women attorneys. We increasingly see firms sponsoring women-only attorney and client networking events organized around spa visits, shoe shopping and other purportedly female activities of interest to counter traditional "boys' club" activities like golf and attendance at sporting events.

Recent articles have addressed whether women attorneys, as opposed to expecting the culture to change, must embrace more traditionally male approaches to social/professional interaction in the workplace to be successful, including using a "potty" mouth and adopting a very direct communication style. Numerous executive coaches and consultants have presented this model for women to create a professional "brand."

Should you adopt any of these approaches or utilize these concepts in events for your affinity groups, what is the likelihood that you will completely offend or mildly annoy at least half the attorney population in question? High. Recommended practice: Ask the group or a very representative contingent its opinion on ideas for events; if there is no consistent response or consensus, choose the path of least potential offense.

Do Millennials Need or Want Groups?

As we read increasingly in the legal and general media, the millennial generation or members of "Generation Y" (in modern parlance, those born between 1981 and 2000) bring very different interests and needs to the workplace than did preceding generations of employees, and are far from shy in suggesting how employers meet those needs.

Beyond proactively resisting the constraints imposed by the law firm billable-hour structure, many new attorneys are forcing firms to rethink traditional approaches to assisting them in achieving true inclusion in law firm culture, including traditional affinity groups.

Generation Y-ers have grown up in an age of increased diversity in educational and general cultural settings, or at the very least, are accustomed to observing socially appropriate levels of tolerance and sensitivity to difference. Focusing on difference, by organizing affinity group membership on traits shared by some but not others, is frequently at odds with millennials' values and experience in the last 20 years. And if a workplace does not contain the diversity and plurality among colleagues that feels familiar, it simply may not be the workplace for them, and they easily make the decision to pass or leave.

Today, associates of all backgrounds increasingly resist traditional, "one size fits all" approaches by law firms to promote attorney satisfaction, including typical affinity group models. But what does that mean for the firms, which pervasively struggle to achieve diverse attorney ranks in the face of woeful attrition rates among minorities, women and particularly women of color?

Again, corporate culture provides some

guidance. Corporations that are highly ranked for their diversity practices typically permit anyone to join an affinity or "employee resource" group based solely on an interest in furthering that group's goals. Larger corporations also tend to encourage a plurality of affinity groups, based on member identity as well as shared department, business line function or product focus.

The diversity of types of corporate affinity groups encourages employees to establish synergies across affinity groups or councils and work more closely together in addressing challenges and opportunities they have in common, thereby fostering cohesiveness and education across differences. While law firm affinity groups today are typically based on a shared identity and separate working group model, future groups may desire both greater cooperation across affinity groups and strategies to meaningfully include lawyers of different backgrounds in groups focused on the needs of attorneys of a particular background.

In a workplace increasingly serving the needs of multiple generations of attorneys who are diverse in their identities and perspectives, a good approach is to create a variety of options to permit new attorneys to opt in to networking and support opportunities at a firm. By creating a plurality of affinity groups and the resources to administer them, firms can meet the widest variety of individual attorneys' needs.

New lawyers are also pressing law firms to meet an ideal goal by preferring stricter structural integration of identity, diversity and inclusion goals within groups formed around interest in general firmwide goals and priorities (e.g., professional development and mentoring, work/life balance and business development) as opposed to relying too heavily on affinity groups formed on the basis of personal identity, or separate diversity committees and task forces to address diversity concerns.

Having an open mind and ear regarding what attorneys want in the way of employer support and how they wish to be engaged in order to impact firm culture, and demonstrating flexibility and willingness to do things differently as warranted, will enable firms to continue to structure affinity groups that serve the mutual needs of the firm and their future leadership going forward. •

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